

The matter of granting letters to a person jointly with another under this section, is within the discretion of the court and no appeal lies. When a class of persons is first entitled, the one selected by the court as administrator is the person "first entitled" under this section. *Kaller v. Kaller*, 92 Md. 149. And see *Covey v. Charles*, 49 Md. 315.

The right of administration being a valuable one can not be delegated. *Slay v. Beck*, 107 Md. 361; *Brodie v. Mitchell*, 85 Md. 519.

Cited but not construed in *Georgetown College v. Browne*, 34 Md. 455.

1904, art. 93, sec. 16. 1888, art. 93, sec. 16. 1860, art. 93, sec. 16. 1798, ch. 101, sub-ch. 5, sec. 3.

16. It shall be incumbent on the person applying for administration to prove such dying intestate to the satisfaction of the court, unless the same be notorious; and the court may examine such person on oath, touching the time, place and manner of the death, and whether or not the party dying left any will; and if such dying intestate be not proved to the satisfaction of the court, no administration shall be granted. No such administration shall be granted until at least twenty days after the death of the supposed intestate, and at least seven days after application therefor.

The last sentence of this section applies only in case the intestacy is not notorious, or has not been proven to the satisfaction of the court. This section construed to harmonize with section 14. *Williams v. Addison*, 93 Md. 44; *Jones v. Harbaugh*, 93 Md. 273. Cf. *Stouffer v. Stouffer*, 110 Md. 373.

The grant of letters is a judgment *in rem*, and does not prove intestacy when a will is offered for probate. Letters may be revoked. *Emmert v. Stouffer*, 64 Md. 551.

When letters granted in point of time as required by this section to a stranger, will not be revoked. *Carpenter v. Jones*, 44 Md. 628.

It will be presumed that the orphans' court discharged its duty in inquiring into the "time and place" of the death of the deceased; but be this as it may, the matter can not be inquired into collaterally. *Raborg v. Hammond*, 2 H. & G. 50.

This section referred to in construing section 14—see notes thereto. *Grimes v. Talbert*, 14 Md. 172.

This section referred to in construing section 32—see notes thereto. *Ehlen v. Ehlen*, 64 Md. 362.

This section referred to in a prosecution for perjury as showing that the orphans' court has power to administer an oath. *State v. Mercer*, 101 Md. 540.

Cited but not construed in *Georgetown College v. Browne*, 34 Md. 455.

*Ibid.* sec. 17. 1888, art. 93, sec. 17. 1860, art. 93, sec. 17. 1798, ch. 101, sub-ch. 5, sec. 7.

17. The qualifications of an administrator shall in all respects be the same as herein prescribed for an executor, and all questions touching such qualifications shall be tried and determined by the same proofs and in like manner.

This section referred to in deciding that the court would apply the same rules in the matter of the time within which an application is made to revoke letters, as in an application for letters. *Edwards v. Bruce*, 8 Md. 396; Cf. *Stocksdale v. Conaway*, 14 Md. 107.

Cited but not construed in *Pollard v. Mohler*, 55 Md. 289; *Georgetown College v. Browne*, 34 Md. 455.

See notes to sec. 52.